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08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 v. )

14 JOHN SZYMCZAK, )

15 Defendant. )  
\_\_\_\_\_ )

Case No. CR01-0362-MJP

SUMMARY REPORT OF U.S.  
MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

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17 An initial hearing on a petition for violation of supervised release was held before the  
18 undersigned Magistrate Judge on March 23, 2007. The United States was represented by  
19 Assistant United States Attorney Susan Roe, and the defendant by Ms. Carol Koller. The  
20 proceedings were recorded on cassette tape

21 The defendant had been charged and convicted of three counts of Armed Bank  
22 Robbery. On or about January 22, 2007, defendant was sentenced by the Honorable Marsha  
23 J. Pechman to a term of seventy (70) months in custody, followed by five (5) years of  
24 supervised release.

25 The conditions of supervised release included the requirements that the defendant  
26 comply with all local, state, and federal laws, and with the standard conditions. Special

01 conditions imposed included, but were not limited to, substance-abuse and mental-health  
02 treatment participation, consenting to search and seizure, no new credit to be obtained,  
03 financial disclosure and restitution in the amount of \$8,453.01. The special conditions of  
04 defendant's supervised release were modified on or about February 23, 2007, to include his  
05 participation in a residential reentry center program for 180 days.

06 In a Petition for Warrant or Summons, dated March 22, 2007, U.S. Probation Officer  
07 Christopher S. Luscher asserted the following violations by defendant of the conditions of his  
08 supervised release:

09 (1) Failing to satisfactorily participate in a residential reentry center program as of  
10 March 22, 2007, in violation of the special condition that he reside in and satisfactorily  
11 participate in a residential reentry program as a condition of supervision for up to 180 days.

12 (2) Using methamphetamine, on or about March 13 and 16, 2007, in violation of  
13 standard condition No. 7.

14 (3) Failing to follow instructions of the probation officer on February 27, 2007, in  
15 violation of standard condition No. 3.

16 (4) Failing to report to the probation officer as directed on February 21, 2007, in  
17 violation of standard condition No. 2.

18 (5) Failing to submit to urinalysis testing on February 20 and 27, 2007, and  
19 March 19, 2007, in violation of the special condition requiring him to submit to testing to  
20 determine if he has reverted to the use of drugs or alcohol.

21 The defendant was advised of his rights, admitted to alleged violations numbers 1  
22 through 5, and waived any rights to an evidentiary hearing as to whether they occurred.

23 I therefore recommend that the Court find the defendant to have violated the terms  
24 and conditions of his supervised release as to violations numbers 1 through 5, and that the  
25 Court conduct a hearing limited to disposition.

26 A disposition hearing will be set before the Honorable Marsha J. Pechman at a time to

01 be determined. Pending a final determination by the Court, the defendant has been detained

02 DATED this 23rd day of March, 2007.

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04 JAMES P. DONOHUE

05 United States Magistrate Judge

06 cc: District Judge: Honorable Marsha J. Pechman  
07 AUSA: Ms. Susan Roe  
08 Defendant's attorney: Ms. Carol Koller  
09 Probation officer: Mr. Brian Rogers  
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